

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADRIANA MARTINEZ,

Plaintiff,

vs.

WILD CHERRY TRUCKING, INC., et al.,

Defendants.

Case No. 3:20-CV-00394-RCJ-CLB

ORDER

Plaintiff filed this suit in Nevada state court, and Defendants Wild Cherry Trucking and James Dunnington subsequently filed a notice of removal. (ECF No. 1.) Plaintiff then moved for remand arguing, among other things, that Defendants did not have unanimous consent to removal. (ECF No. 11.) Removing Defendants filed a notice of non-opposition to Plaintiff's motion, explaining that they had believed consent was unanimous due to a prior experience with Defendant Carry-On Trailer's former counsel, but did not realize that Defendant Carry-On Trailer had hired new counsel. (ECF No. 12.) Defendant Carry-On Trailer filed a joinder to Plaintiff's motion to remand. (ECF No. 13.)

Under 28 U.S.C. § 1441(a), removal is available where a "civil action [is] brought in a State court of which the district courts of the United States have original jurisdiction." Under 28 U.S.C. § 1446(b)(2)(A), any "civil action . . . removed solely under section 1441(a)[] [requires] all defendants who have been properly joined and served . . . join in or consent to the removal of the action." Removing Defendants concede that there is not unanimous consent to the removal. This Court therefore grants Plaintiff's motion.

1 **CONCLUSION**

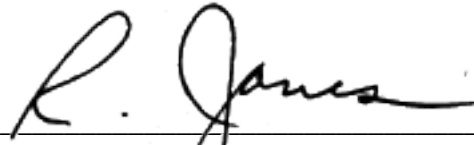
2 IT IS HEREBY ORDERED that Plaintiff's Motion to Remand (ECF No. 11) is
3 GRANTED.

4 IT IS FURTHER ORDERED that this case shall be REMANDED to the Eighth Judicial
5 District Court, Clark County, State of Nevada.

6 IT IS FURTHER ORDERED that the clerk of court shall close this case.

7 IT IS SO ORDERED.

8 Dated September 20, 2020.

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12 ROBERT C. JONES
13 United States District Judge
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